

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: June 7, 2018
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 18-701-00008 – Property located at 1149 Bloomingdale Pike, Control Map 030N, Group B, Parcel 014.00 requests reestablishment of a nonconforming use of a gravel parking lot for commercial use in a B-3 zone to Sec 114-8(4). The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: James Mays
428 Rainbow Circle
Kingsport, TN 37660
(423) 288-4425

Representatives: James Mays

Case: 18-701-00009 – Property located at 1308 Lynn Garden Drive, Control Map 029E, Group H, Parcel 007.00 requests a 19 foot front yard variance to Sec 114-195(f)1(c), landscaping reduction variance to eliminate required building perimeter landscaping to Sec 114-600(d)3(c), and a 28 foot variance to the required planting strip abutting a residential zone use to Sec 114-600(d)4(a). The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: Jeffrey Berry
750 Virgil Ln
Kingsport, TN 37665
Email: jberry11111@earthlink.net

Representative: Jeffrey Berry

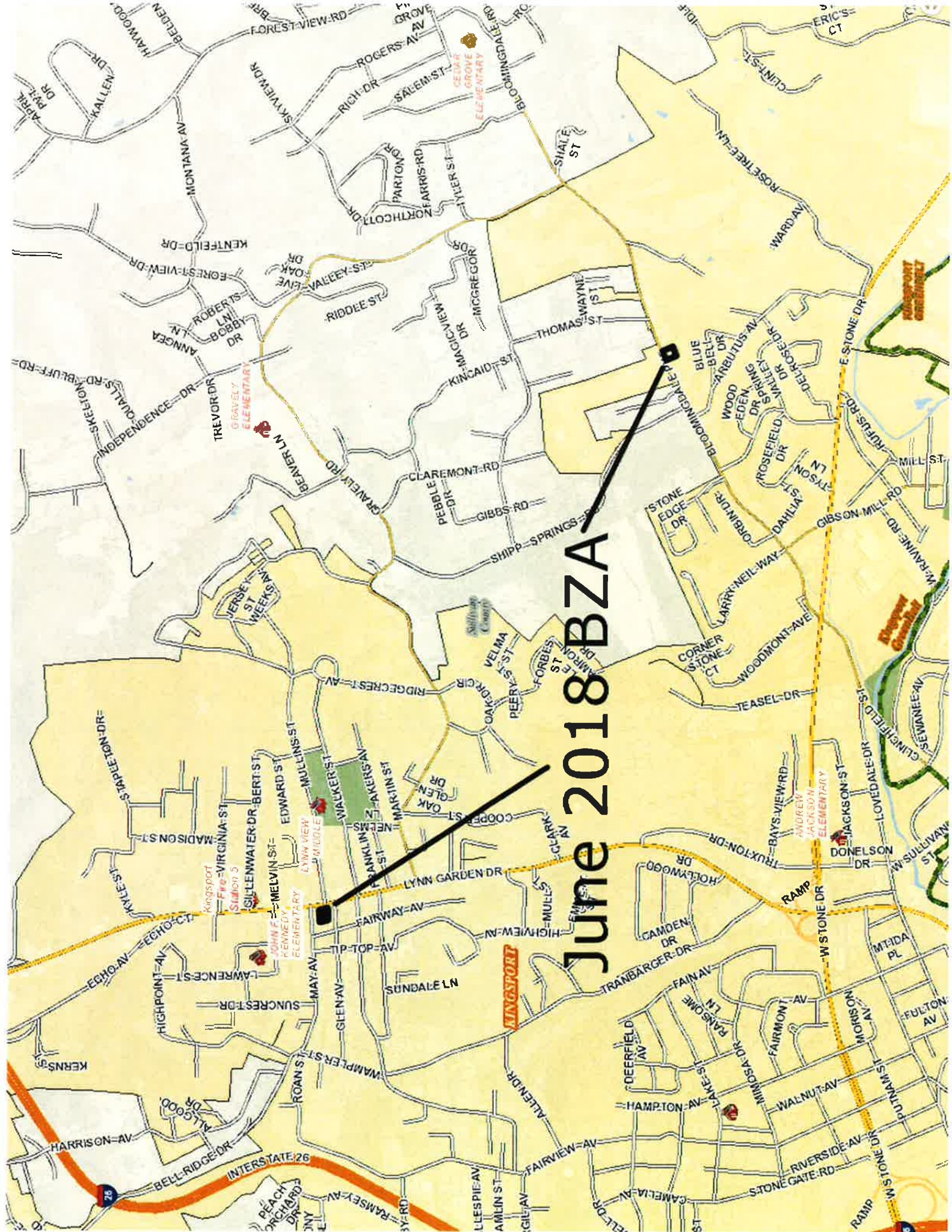
BUSINESS:

Approval of the May 3, 2018 driving tour and regular meeting minutes.

Stating for public record, the next application deadline is June 15, 2018 at noon, and meeting date (Thursday, July 5, 2018).

ADJUDICATION OF CASES:

ADJOURNMENT:



June 2018 BZA

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: May 21, 2018

RE: 1149 Bloomingdale Pike

The Board is asked to consider the following request:

Case: 18-701-00008 – Property located at 1149 Bloomingdale Pike, Control Map 030N, Group B, Parcel 014.00 requests reestablishment of a nonconforming use of a gravel parking lot for commercial use in a B-3 zone to Sec 114-8(4). The property is zoned B-3, Highway Oriented Business District.

The zoning code addresses discontinuance as follows:

- (4)

Discontinuance. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with this chapter without the written approval of the board of zoning appeals.

Mr. Mays, owner of 1149 Bloomingdale Pike, proposes reestablishment of the non-conforming use of a gravel parking lot. The last time the existing gravel parking lot was used for commercial uses has been over the 30 months protected by TCA's provision for continuation of commercial non-conforming uses.

With granted reestablishment of the non-conforming use of a gravel parking lot, Mr. Mays plans to lease the property for auto sales establishment use.

The current hard surface parking standard is as follows in Sec 114-563(12):

- (12)

Parking surface. All parking lots other than single- and two-family residential shall be paved with asphalt, concrete, permeable pavers, or other similar material recommended by the city engineer.

REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, June 7, 2018 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

A tour of the property will be conducted starting at 10:30a.m. prior to the meeting.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

Case: 18-701-00008 – Property located at 1149 Bloomingdale Pike, Control Map 030N, Group B, Parcel 014.00 requests reestablishment of a nonconforming use of a gravel parking lot for commercial use in a B-3 zone to Sec 114-8(4). The property is zoned B-3, Highway Oriented Business District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee
Jim Deming, City Recorder
P1T: 5/28/18



Sullivan
County

R-4

R-1B

R-4

R-4

APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Mays First James M.I. T Date _____
Street Address 428 Rainbow Cir Apartment/Unit # _____
City Kingsport State TN ZIP 37660
Phone 288 4425 E-mail Address _____

PROPERTY INFORMATION:

Tax Map Information Tax map: 0304 Group: B Parcel: 01400 Lot: _____ District 11
Street Address 1149 Bloomingdale Pike Apartment/Unit # _____
Current Zone _____ Proposed Zone _____
Current Use _____ Proposed Use Used car sales lot

REPRESENTATIVE INFORMATION:

Last Name Same First _____ M.I. _____ Date _____
Street Address _____ Apartment/Unit # _____
City _____ State _____ ZIP _____
Phone _____ E-mail Address _____

REQUESTED ACTION:

Reestablishment of non conforming use of a gravel parking lot for commercial use.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature:

James T Mays

Date:

5-7-18

Signed before me on this 7th day of May, 2018.

a notary public for the State of Tennessee

County of Sullivan

Notary Alison Harrison

My Commission Expires 6-19-18



To: Kingsport Board of Zoning Appeals

From: James Mays

Date: 05-10-2018

Subject: Restoration of Nonconforming use of a gravel parking lot at 1149 Bloomingdale Pike

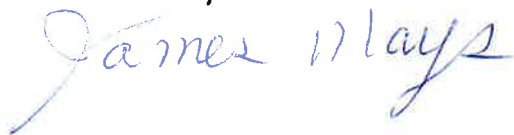
I purchased the property at 1149 Bloomingdale Pike in 1976. It was annexed by Kingsport in 1994. I planned to eventually build a grocery store on this property.

Cecil Fleming asked to rent it for a used car lot. He bought a used house trailer for an office and built a garage beside it. Cecil sold used cars there for several years. After Cecil retired Charles Fields sold used cars for several years. After Charles Fields retired, I wanted to rent it for a used car lot, but no one was interested. Next, I rented it to flea market tenants and individuals. Some I had to evict. I was happy when Tony McCellan asked to rent the property for a car lot. I spent \$2,000 upgrading the trailer and over \$2,000 for rock. We did not realize we were going to have a problem getting a license. No one from Kingsport ever talked to me about zoning. I was sent a tax notice and mailed the city a check, always on time. I think Tony McCellan will make a good tenant for me and the city of Kingsport.

Thank you for your consideration.

Sincerely,

James Mays



1149 Bloomingdale Pike

Highway

Customer Entrance

cars
cars
cars
cars
cars

130 feet

cars
cars
cars
cars
cars

75 Feet

cars
cars
cars
cars
cars

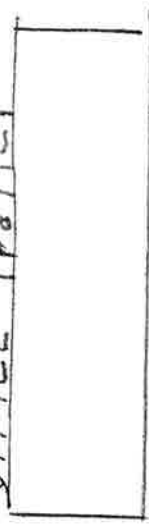
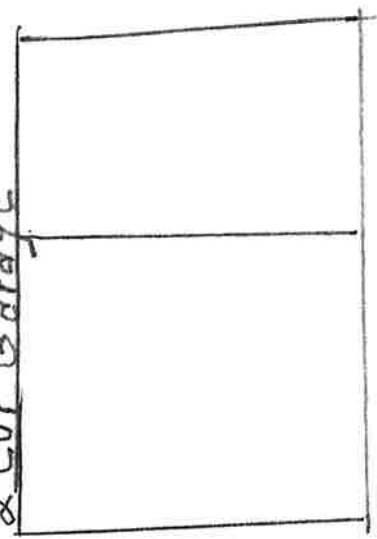
150 Feet

50 Feet

Customer Parking

2 car Garage

Office Trailer



Open drainage ditch

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: May 21, 2018

RE: 1308 Lynn Garden Drive

The Board is asked to consider the following request:

Case: 18-701-00009 – Property located at 1308 Lynn Garden Drive, Control Map 029E, Group H, Parcel 007.00 requests a 19 foot front yard variance to Sec 114-195(f)1(c), landscaping reduction variance to eliminate required building perimeter landscaping to Sec 114-600(d)3(c), and a 28 foot variance to the required planting strip variance abutting a residential zone use to Sec 114-600(d)4(a). The property is zoned B-3, Highway Oriented Business District.

This property came before the Board during their February 4, 2016 regular meeting. At the time, a reconfiguration of the existing carwash was proposed along with a new restaurant proposal south of the carwash (1300 Lynn Garden Dr). Please find a copy of the minutes below:

Case: 16-701-00002 – Property located at 1300 Lynn Garden Drive, 1308 Lynn Garden Drive, and 201 Glen Avenue, Control Map 029E, Group H, Parcels 007.00 and 008.00

requests a 20 foot front yard variance to Sec 114-195(f)1(c) to accommodate a new car wash on parcel 7. The code requires a 20 foot front yard; a 4.9 foot front yard variance to Sec 114-195(f)1(c) to accommodate a new restaurant on parcel 8. The code requires a 20 foot front yard; a 30 foot planting strip boundary variance to Sec 114-600(4)a to accommodate a new carwash on parcel 7 (rear yard). The code requires a 30 foot planting strip; a 30 foot planting strip boundary variance to Sec 114-600(4)a to accommodate a new restaurant on parcel 8 (rear yard). The code requires a 30 foot planting strip; a 10 foot planting strip variance to Sec 114-600(d)2 to accommodate a new carwash on parcel 7 (front yard). The code requires a 10 foot planting strip; an 10 foot planting strip variance to Sec 114-600(d)2 to accommodate a new restaurant on parcel 8 (front yard). The code requires a 10 foot planting strip; an 8.7 foot planting strip variance to Sec 114-600(d)2 to accommodate a new restaurant on parcel 8 (side yard). The code requires a 10 foot planting strip; a parking space reduction variance of 6 spaces to Sec 114-564(4)d to accommodate a new car wash on parcel 7. The code requires a total of 20 parking spaces. The property is zoned B-3, Highway Oriented Business District.

Mr. Jeff Berry presented the case to the Board. Mr. Berry described the existing conditions of the property, which contains both a carwash and a tire store. Mr. Berry stated that the variance request consisted of both reconfiguring the existing carwash and adding a restaurant use on the parcel that contains Glen Avenue frontage. Vice Chairman Oglesby asked if this is the absolute design for both pieces of property. Mr. Berry answered that the request is the only way he would be able to fit both uses. The Vice Chairman asked how long the applicant had owned the property. Mr. Berry answered that he has owned the property for 3.5 years and that his family had owned the property since 1951. Mr. Berry stated that he would first have to get his financing

secured prior to redeveloping the proposed restaurant use. The Vice Chairman asked where the proposed shared parking would be located before the restaurant use and its associated shared parking would be available. Mr. Berry stated that all of his employees are dropped off for the business day, so parking is not needed for his employees. Mr. Sumner noted that the tire storage building would have to come down prior to restaurant use time frame in order to establish the prescribed amount of parking for the carwash use. Mr. Berry stated that he did not have plans to demolish the tire storage building until the restaurant use began, but he would look into tearing it down if the variance hinged on such. The Vice Chairman asked where people would park for the tire store. Mr. Berry stated that it was unusual for many cars to be at the business. The Vice Chairman stated that he was concerned about the timing of the restaurant, which depends on financing, in the context of available parking. Mr. Berry stated that he was concerned about the timing of the redevelopment based upon aesthetics of his current building based upon feedback from several people. Mr. Berry stated that he will not redevelop the carwash without knowing that a variance is granted to make the restaurant use possible. Mr. Berry stated that he is 95% sure that the proposed variances would not change in the future. Mr. Berry did state that he would be ok with getting a variance to allow the carwash project to move forward and that he could bring the restaurant proposal back at a later date with more formalized plans. The Vice Chairman asked about all the piled up wood and tires currently on the property. Mr. Berry stated that he is waiting to sell the used tires to a company that chips them for mulch. Mr. Berry stated that he will burn all the wood currently on the property and that he plans to not store the wood on-site in the future. Mr. Sumner stated that the Board would like to see what the proposed buildings would look like. Mr. Sumner and the Vice Chairman both stated that this would help the Board to visualize the end result of the granted variances. Mr. Berry stated that he works with architects all the time and that he could find one to create renderings of what the overall project would look like once completed. Mr. Sumner noted that timing is imperative to granting the variance, since the shared parking aspect of the overall plans hinged on the restaurant development. Mr. Sumner noted that a more detailed submittal was needed to make an informed decision on the item, especially since the redevelopment of the restaurant impacted the parking situation with the carwash. Mr. Berry stated that he was concerned about being locked into a timeframe since the restaurant proposal depended on financials. Mr. Berry stated that he almost wanted to propose a different entrance for the carwash if it were to be considered for variances alone without restaurant variances being granted. Mr. Sumner stated that his primary concern is adequate parking and access to the redevelopment. Mr. Berry stated that he understands the Board's concerns and that he wanted to come back to a future meeting with a more detailed proposal and a reconfigured access for the carwash off Lynn Garden Drive. The Vice Chairman asked for any comments from the audience. Mr. Crosby stated that he would love to see the property improved and is here to see what is going on. Mr. Crosby said that he had heard a Taco Bell was looking to go on that site and that he called the Taco Bell people, who stated the site is too small.

Vice Chairman Oglesby, seeing no one else wishing to speak, closed the public hearing.

Adjudication:

Case: 16-701-00002 – Property located at 1300 Lynn Garden Drive, 1308 Lynn Garden Drive, and 201 Glen Avenue, Control Map 029E, Group H, Parcels 007.00 and 008.00

Vice Chairman Oglesby asked for input from the Board.

MOTION: made by Bill Sumner, seconded by Bob Winstead, Jr. to postpone a decision until more information is presented.

VOTE: 3-0 to approve the motion.

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& PUBLIC HEARING
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All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee
Jim Deming, City Recorder
P1T: 5/28/18





APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Berry First Jeffrey M.I. A Date 5/15/18
Street Address 750 Virgil Lane Apartment/Unit #
City Kingsport State TN ZIP 37665
Phone _____ E-mail Address jberry1111@earthlink.net

PROPERTY INFORMATION:

Tax Map Information Tax map: _____ Group: _____ Parcel: _____ Lot: _____
Street Address 1308 Lynn Garden Drive Apartment/Unit #
Current Zone B3 Proposed Zone B3
Current Use Car Wash Proposed Use Same

REPRESENTATIVE INFORMATION:

Last Name Same First _____ M.I. _____ Date _____
Street Address _____ Apartment/Unit #
City _____ State _____ ZIP _____
Phone _____ E-mail Address _____

REQUESTED ACTION:

19' front yard set back variance, variance to eliminate all building perimeter landscaping, 28' variance to planting strip boundary abutting an R-1B zone.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: _____

Date: 5/15/18

Signed before me on this 15th day of May, 2018.

a notary public for the State of Tennessee

County of at Large

Notary Page M. Jeffers

My Commission Expires May 23, 2020



Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

The depth of the lot compared to the adjacent blocks is substantially less which limits the ability to have the set back boundaries and continue to operate as a car wash like we have done for 30+ years now.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

would not be able to have the proper turning radius for traffic flow.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

Current use and configuration of the property is the same as when I acquired it 4 years ago.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

Everything proposed will be an improvement to both the aesthetics and safety of the public. building is from the 50's and needs gone.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

Proposed Building for:

Lynn Garden Auto Center

The F.R.O.G Wash

Hand Car Wash

1308 Lynn Garden Drive - Kingsport, Tennessee - 37665

May 14, 2018

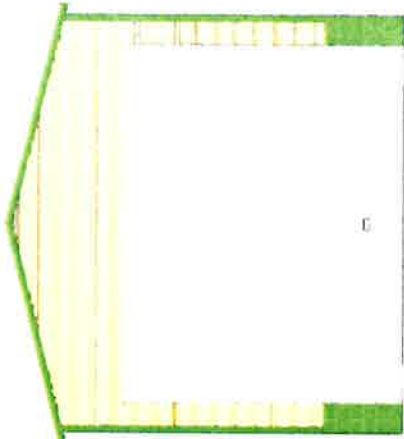
Project # 18-01

INDEX OF DRAWINGS

- GENERAL
- G-00 COVER SHEET
- SITE / CIVIL
- C-01 PROPOSED TEMPORARY TRAFFIC / DEMOLITION PLAN
- C-11 SITE SURVEY / SITE PLAN
- ARCHITECTURAL
- A-11 FIRST FLOOR PLAN
- A-21 ELEVATIONS



EXISTING BUILDING



PROPOSED BUILDING

LYNN GARDEN AUTO CENTER

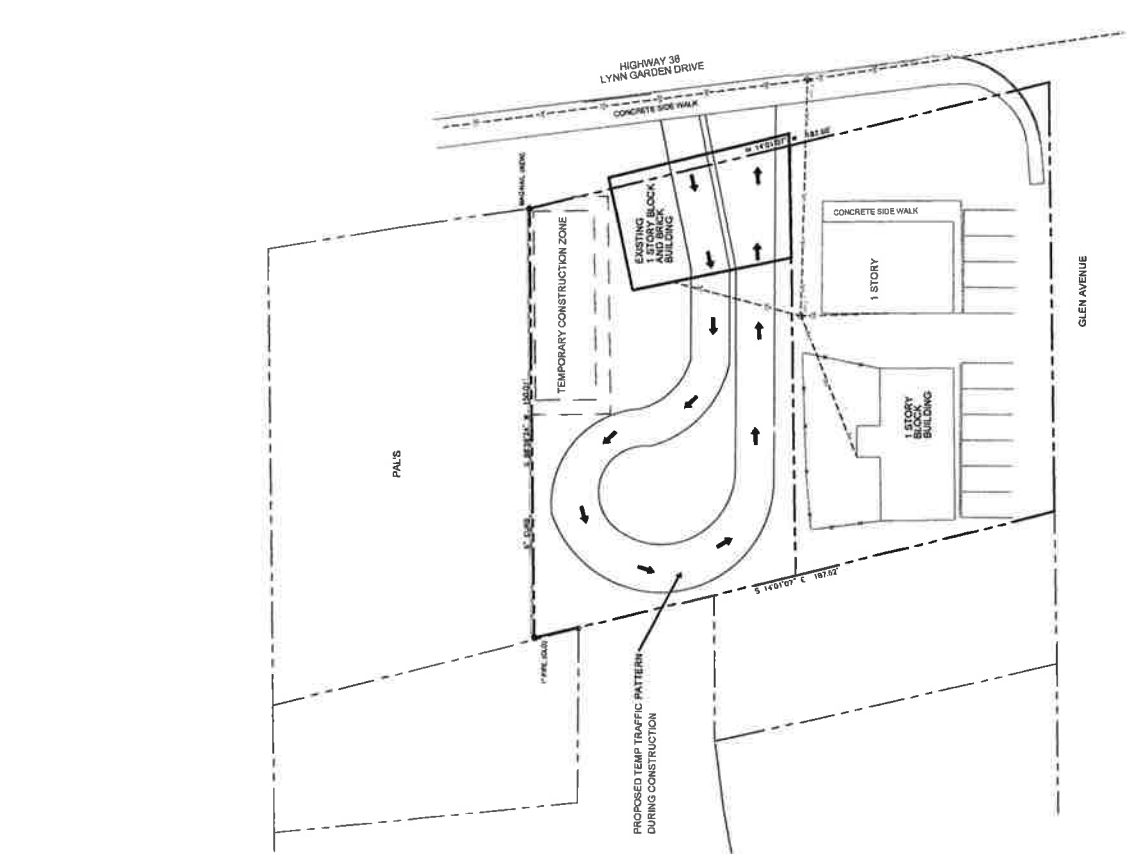
Proposed Building for:

PROGRESS
PRINT
5/14/2018
NOT FOR
CONSTRUCTION

SET #

G-00

PROGRESS PRINT	5/14/2018	
NOT FOR CONSTRUCTION		
Sheet	05-14-18	
Revised	DARNELL	
Approved		
Drawn	DARNELL	
Project no.	18-01	
Issued Name		
PROPOSED		
TEMPORARY TRAFFIC /		
DEMO SITE PLAN		
C-01		



DEMOLITION SITE PLAN
SCALE: 1" = 20'-0"

PROPOSED TEMPORARY CONSTRUCTION TRAFFIC PATTERN

NO.	DATE	REVISION
0	05/16/18	ISSUED FOR PERMIT
1	05/16/18	CHANGES
2		
3		
4		
5		
6		
7		
8		
9		
10		

LYNN GARDEN AUTO CENTER

Proposed Building for:

PROGRESS
PRINT
5/16/2018
NOT FOR
CONSTRUCTION

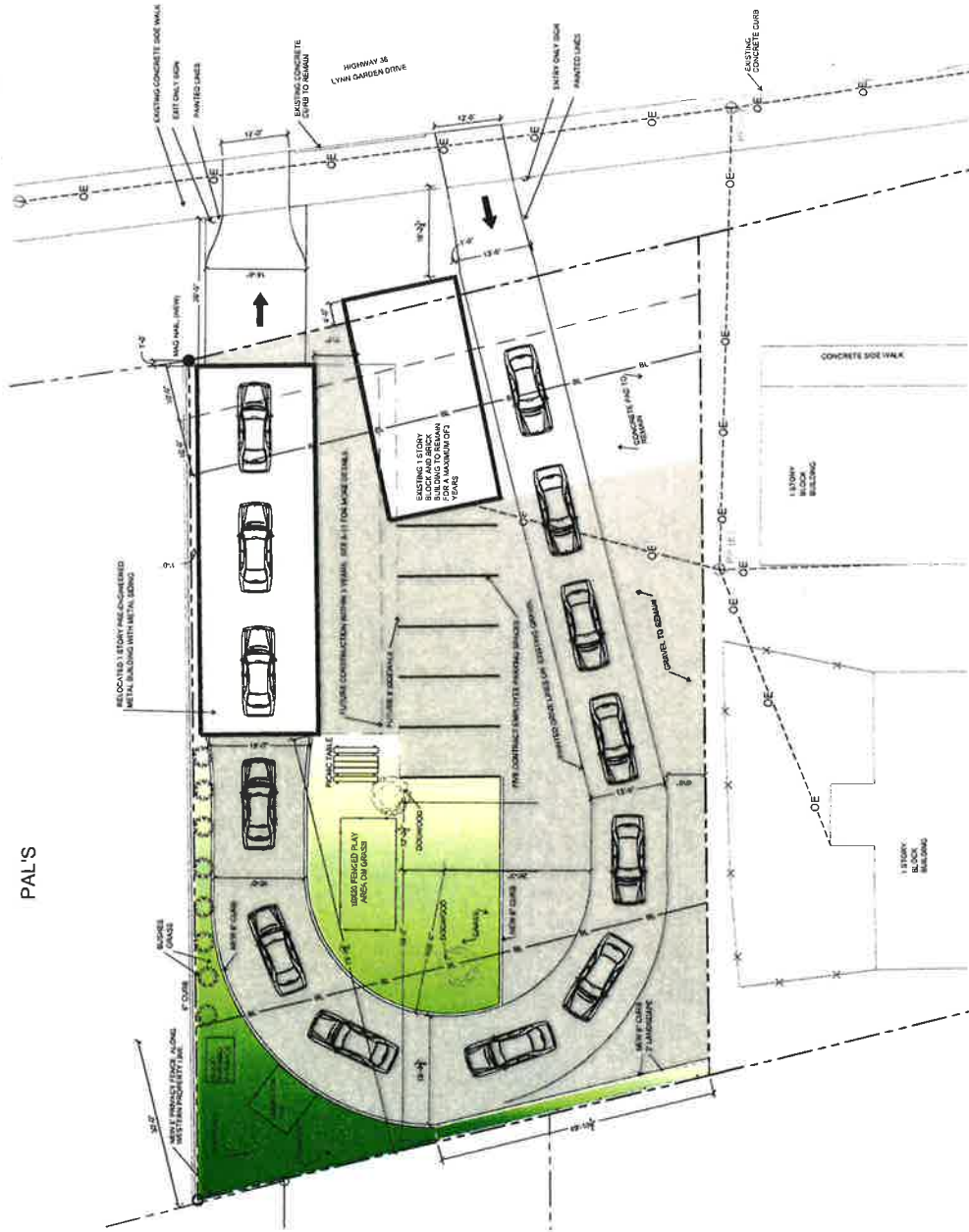
Drawn: DARNELL
Checked: DARNELL
Approved: DARNELL
Project No: 18-01
Drawing Name: SITE SURVEY /
SITE PLAN

C-11

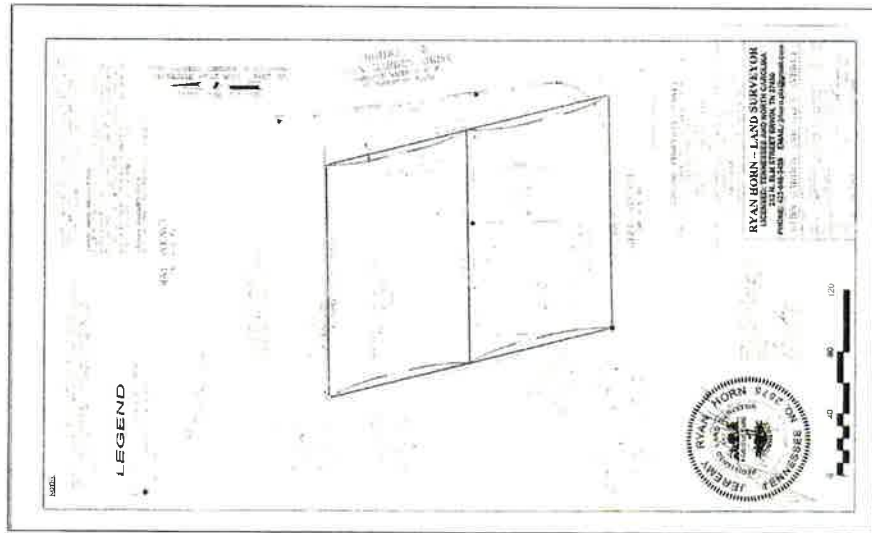
LEGEND

- PROPERTY LINE (THIS PROJECT)
- PROPERTY LINE (OTHER)
- LANDSCAPE SETBACK
- BUILDING SETBACK
- PROPOSED ADDITION
- EXISTING STRUCTURE
- EXISTING STRUCTURE (TO BE DEMOLISHED)
- EXISTING CONSTRUCTION TO BE REMOVED
- SITE EXISTING
- NEW SIDEWALK
- NEW ASPHALT
- NEW LANDSCAPING MULCH AREA
- NUMBER OF PARKING SPACES IN A GROUP
- OVERHEAD POWER / COMM
- CONCRETE SIDEWALK
- POWER POLE

PAL'S



SITE PLAN
SCALE: 1" = 10'-0"



RYAN LEUNG, L.L.D., SURVEYOR
LICENSED PROFESSIONAL SURVEYOR, STATE OF NORTH CAROLINA
PHONE: 919-484-1111
FAX: 919-484-1112
WWW.RYANLEUNG.COM

NO.	DATE	REVISION	BY
1	05-14-18	ISSUED	DARRELL
2	05-14-18	APPROVED	DARRELL
3	05-14-18	DRAWN	DARRELL
4	05-14-18	PROJECT NO.	18-01
5	05-14-18	SHEET NAME	FLOOR PLAN
6	05-14-18	CHANGES	
7	05-14-18		
8	05-14-18		
9	05-14-18		
10	05-14-18		

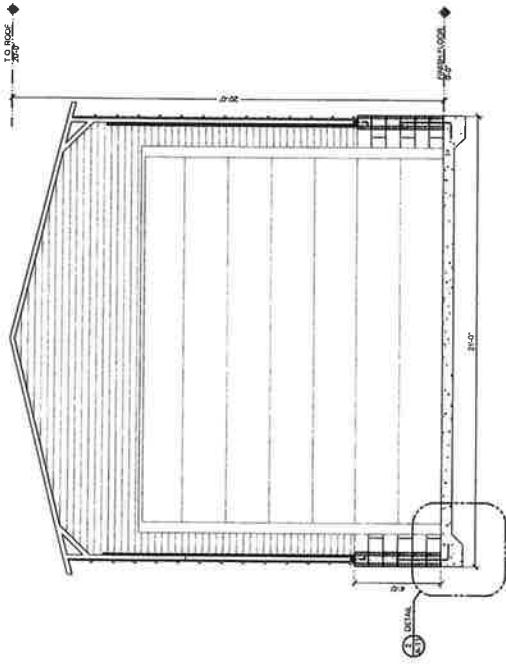
LYNN GARDEN AUTO CENTER

Proposed Building for

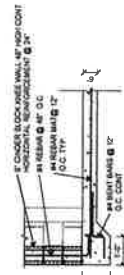
PROGRESS
PRINT
5/14/2018
NOT FOR
CONSTRUCTION

Issued	05-14-18
Checked	DARRELL
Approved	DARRELL
Drawn	DARRELL
Project No.	18-01
Sheet Name	FLOOR PLAN

A-11



SECTION
SCALE: 3/8" = 1'-0"



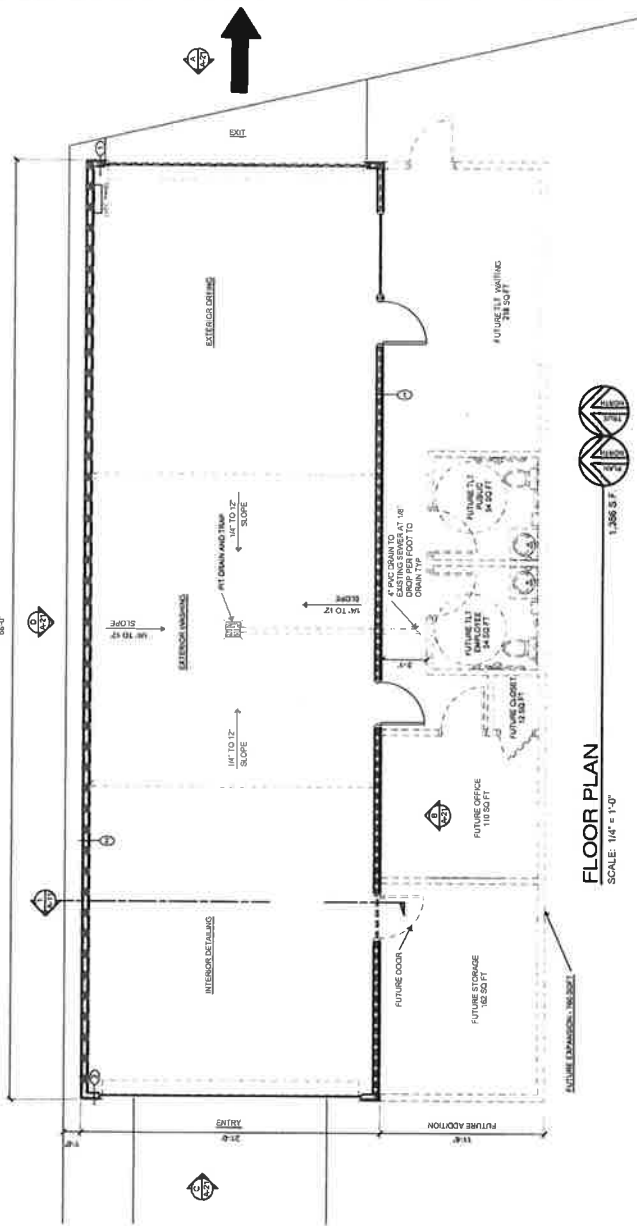
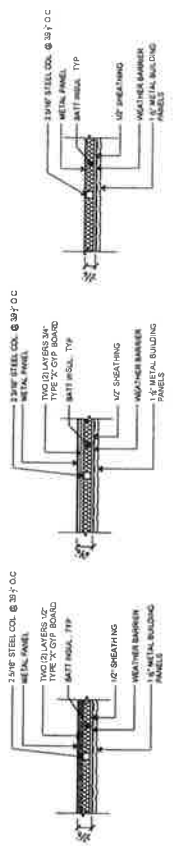
DETAIL
SCALE: 1/2" = 1'-0"

- NOTES
1. EXISTING CONSTRUCTION TO REMAIN
 2. EXISTING CONSTRUCTION TO BE REMOVED
 3. EXISTING MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING
 4. EXISTING MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING
 5. EXISTING MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING
 6. EXISTING MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING
 7. EXISTING MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING
 8. EXISTING MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING
 9. EXISTING MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING
 10. EXISTING MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING

LEGEND

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE REMOVED
- NEW CONSTRUCTION
- PROPOSED MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING
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- PROPOSED MINIMUM CODE REQUIREMENTS FOR ALLOWABLE FOOTING

WALL TYPES
SCALE: 3/4" = 1'-0"



FLOOR PLAN
SCALE: 1/4" = 1'-0"

LYNN GARDEN AUTO CENTER

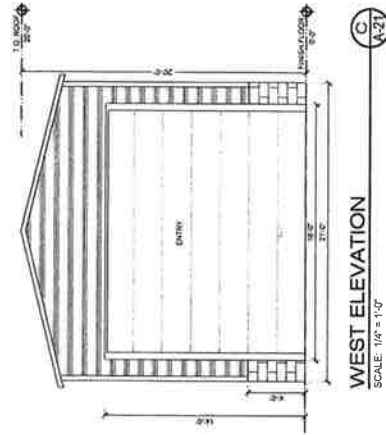
Proposed Building for:

PROGRESS
PRINT
5/14/2018
NOT FOR
CONSTRUCTION

issued	05-14-18
checked	DARNELL
adjusted	
drawn	DARNELL
project no.	18-01
drawn by	DAVID MATHIE

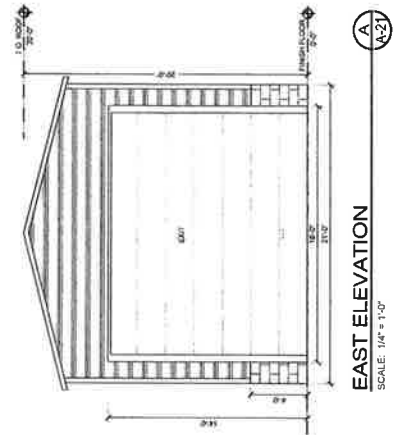
ELEVATIONS

A-21



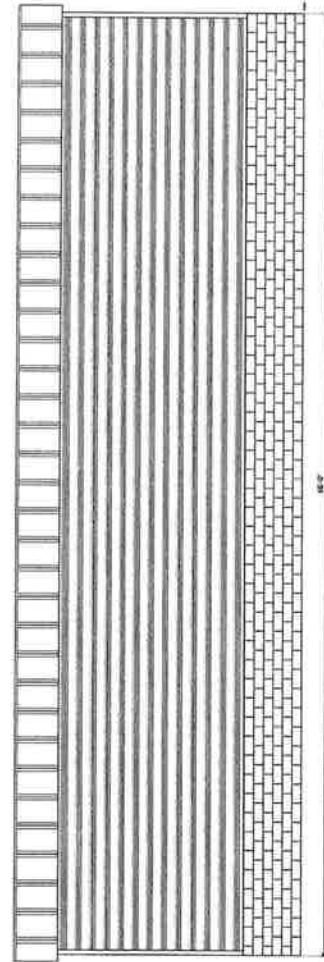
WEST ELEVATION

SCALE: 1/4" = 1'-0"



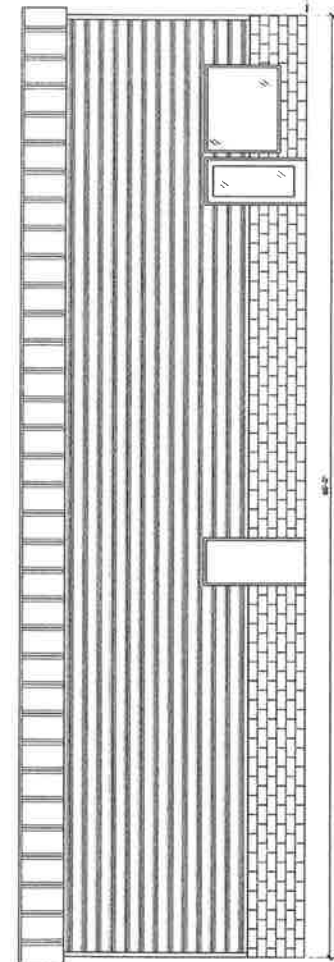
EAST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

Q4	Rate	Value
0000	00-00-00	CHANGES

**MINUTES OF THE DRIVING TOUR OF THE
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

May 3, 2018

10:30 a.m.

Members Present:

Bill Sumner

Jeff Little

Anita Campbell

Members Absent:

Ashok Gala

Calvin Clifton

Staff Present:

Ken Weems, AICP

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located at 917 Fairmont Avenue and 2000 Stonebrook Place. No official action was taken.

The driving tour concluded at 11:35 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

May 3, 2018, Regular Meeting

Noon

Bob Clear Conference Room, 1st floor of the Development Services Building

Members Present:

Bill Sumner

Jeff Little

Anita Campbell

Members Absent

Ashok Gala

Calvin Clifton

Staff Present:

Ken Weems, AICP

Alison Fields

Visitors:

Richard Quesenberry

Bertie Johnson

John Loudenwalk

Cheryl Broome

Jerry Whittemore

Robert Seymour

Nancy Shoop

Bethany Whittemore

Don Bowles

Robyn Ringley

Mary Groseclose III

Jim Wells

Sophia Davidson

Tracy Kissel

Sharon Greer

Vivian Brown

Steven C. Gray

AnneMarie Nickles

Tom Segelhorst

Zachary Machuga

Minnie Rhoton

Catherine Groseclose

Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

Ms. Alison Fields conducted the swearing in ceremony for those wishing to speak during the regular meeting. Attendees wishing to speak were sworn in.

Public Hearing:

Case: 18-701-00007 – Property located at 917 Fairmont Avenue, Control Map 045D, Group H, Parcel 002.00 requests a special exception for church or other place of worship in an R-1B zone to Sec 114-183(c). The property is zoned R-1B, Residential District.

Mr. Robert Seymour presented the case to the Board. Mr. Seymour summarized the mission of the Bible Study Two program and described the proposed use of property. The new use of the property will contain a new building to house the Bible Study Two program, an associated parking lot, a swimming pool, basketball court, and play field. Mr. Seymour stated that the goal of the Bible Study Two program is to give young people biblical direction in life and relationship development. Mr. Seymour stated that the outside amenities such as the pool, basketball court, and playing field will all be used in the context of delivering the religious Bible Study Two message to their teen participants. Mr. Seymour presented evidence of this such as the Bible

Study Extreme program, which combines physical activity with bible teachings. Mr. Seymour stated that the Bible Study Two program administrators have been very open with the Sevier Terrace property adjacent owners about the Bible Study Two plans and that he has been able to answer many questions and concerns of the neighborhood. Chairman Sumner asked if the pool was an in-ground pool. Mr. Seymour confirmed that the pool would be in-ground. Chairman Sumner acknowledged that the entire proposal from Bible Study Two is an important part of their religious ministry. Anita Campbell asked about the ministry use of the playing field. Mr. Seymour noted that the kids could not be kept from making noise, but that the proposed landscaping buffer along the border of the property would aid in noise control. Mr. Seymour further commented that the property would have a caretaker that lives on-site and that in general, the property would be secured and inaccessible when not being used by Bible Study Two. Chairman Sumner opened the public hearing. Don Bowles addressed the Board. Mr. Bowles stated that he was ok with the Bible Study Two program, but that he had concerns about noise from the playing field proposed to be located adjacent to his home. Tom Segelhorst spoke in favor of the item, stating that this will be a major improvement for the neighborhood. Nancy Shoop spoke against a portion of the item, while presenting a neighborhood petition to the Board that stated acceptance of the new building and parking lot, while voicing opposition against the "outdoor recreational/sports complex" use. Jerry Whittemore spoke in favor of the project, stating that this community should embrace the proposal. Mr. Whittemore then presented a letter to the Board from Todd Hopkins, 930 Morison Avenue, who could not be at the meeting. Mr. Whittemore then summarized the letter stating that Mr. Hopkins further states that the petition in question is not accurate and is misleading. Ann Nickles spoke in favor of the proposal. Steven Gray stated that he had concerns of the added traffic the proposal could generate. Vivian Brown spoke in favor of the proposal. Mary Groseclose spoke in favor of the proposal.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Case: 18-701-00006 – Property located at 2000 Stonebrook Pl, Control Map 046C, Group H, Parcel 003.05 requests written approval from the Board of Zoning Appeals to temporarily reestablish the nonconforming land use of a gravel parking lot for commercial use to Sec 114-8(4). The property is zoned A-1, Agricultural District, P-1, Professional Offices District, and B-3, Highway Oriented Business District.

Zachary Machuga presented the case to the Board. Mr. Machuga stated that he is currently in the process of refurbishing the existing miniature golf course and that he is pursuing a rezoning to open a SCUBA store in the existing 2000 Stonebrook Place building. Mr. Machuga stated that he needed more time to pave the parking lot of 2000 Stonebrook Place and that he was asking for such permission from the Board. Mr. Machuga stated that he needed until March 30, 2019 as a deadline to pave the parking lot. Chairman Sumner opened the public hearing.

Chairman Sumner, seeing no one wishing to speak, closed the public hearing.

Next, Chairman Sumner called for approval of the March meeting minutes. On a motion by Ms. Campbell, seconded by Mr. Little, the March 2018 driving tour and regular meeting minutes were approved unanimously, 3-0. Next, Chairman Sumner stated that the next application deadline is May 15, 2018 for the June 7, 2018 meeting. Mr. Weems stated that he had prepared training for the Board on variance, special exception, and administrative review justification, defense, and procedures. Mr. Weems further acknowledged that if the Board desired, he could present the training at a later date when the entire Board was present.

Chairman Sumner asked Mr. Weems to wait on the training until the full Board could take advantage of the information.

Adjudication of Cases:

Case: 18-701-00007 – Property located at 917 Fairmont Avenue, Control Map 045D, Group H, Parcel 002.00

Bill Sumner noted that he recognized the connection between all facets of the proposal and the mission of Bible Study Two to administer religion to area youth in the Bible Study Two program.

MOTION: made by Mr. Little, seconded by Mr. Sumner, to grant the special exception as requested.

VOTE: 3-0 to approve the request.

Case: 18-701-00006 – Property located at 2000 Stonebrook Pl, Control Map 046C, Group H, Parcel 003.05

Mr. Little stated that he would feel comfortable granting reestablishment of the nonconforming land use of a gravel parking lot with a deadline for paving the same parking lot of December 31, 2019.

MOTION: made by Mr. Little, seconded by Mr. Sumner, to grant reestablishment of the nonconforming land use of a gravel parking lot with a deadline for paving the same parking lot of December 31, 2019.

VOTE: 3-0 to approve the request.

With no further business the meeting was adjourned at 1:15 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

4/24/2018

The residents of the Sevier Terrace community support the exception of "Churches and other places of worship" to the R-1B residential zoning ordinance Sec. 114-183 welcoming the "Bible Study Two" worship building, along with the proposed parking lot. However, the residents of the community of Sevier Terrace do not support the outdoor recreational/sports complex that is proposed as that is beyond the intended use and scope of Special exceptions (c) of "Churches and other places of worship" for the exception to a residential community.

Name (Printed)	Address	Signature
1. Co Nguyen	924 Fairmont, Kingsport, TN	Co Nguyen
2. Minnie Rhoton	932 Fairmont, Kingsport, TN	Minnie Rhoton
3. Steven Brown	921 Morison, Kingsport, TN	Steven Brown
4. Kevin Caldwell	933 Morison Ave, Kingsport, TN	Kevin Caldwell
5. Jennifer Caldwell	934 Morison Ave Kpt TN	Jennifer Caldwell
6. Parker Golden	916 Mimosa Dr. Kpt TN	Parker Golden
7. Carol Crawford	912 Mimosa Dr. Kpt. TN	Carol Crawford
8. Michael Lewis Barbour	905 Mimosa Dr. Michael Barbour	Michael Barbour
9. Donald R. Bowles	913 Fairmont Ave Kpt TN	Donald R. Bowles
10. Glenda Marshall	913 Fairmont Ave. Kpt.	Glenda Marshall
11. Linda Munsey	909 Fairmont Ave Kpt TN	Linda Munsey
12. Cecelia Munsey	909 Fairmont Ave	Cecelia C Munsey
13. Tyler Nicole Mullins	928 Fairmont Ave	Tyler Mullins
14. Candy Ryan	922 Morison Ave	Candy Ryan
15. Jimmy Beaman	918 Morison Ave	Jimmy Beaman

Name

Address

Signature

16. SHERIDAN ROBINETTE 914 MORISON, KPT Sheridan Robinette
17. Shamor Ainsworth 901 MORISON AVE KPT TN
18. ~~Matt Meryl~~ 840 MORISON AVE KPT TN
19. ~~David Scharbach~~ 906 MORISON AVE KPT. TN.
20. Audrey Fleming 837, Carlisle Dr KPT TN
21. ~~Mark Fleming~~ 832, Carlisle Dr KPT TN 37601
22. GERALD STEADMAN 824 Carlisle Dr KPT TN ~~Mark Fleming~~
23. Betty Whiteaker 813 Carlisle Dr. KPT 3620c Betty Whiteaker
24. Gary Elliott 804 Carlisle Dr. Mary Elliott
25. Delona Wampler 800 Fairmont Kingsport Delona Wampler
26. ~~Curtis Byrd~~ Curtis Byrd 901 fairmont ave
27. ~~Jessie Byrd~~ Jessie Byrd 901 fairmont ave
28. Bob Greene 916 Fairmont Ave Bob Greene
29. Nancy Shoop 908 Fairmont Ave Nancy M. Shoop
30. Karen Greene 916 Fairmont Ave. Karen Greene
31. Alan Sandridge 904 Fairmont Ave Alan Sandridge
32. Jenea Galloway 816 Fairmont, Jenea Galloway
33. Samantha Fox 821 Carlisle Dr Samantha Fox
34. Byron Wolfe 821 Carlisle Dr Byron Wolfe
35. Sherri DAVIS 817 CARLISLE Dr. Sherri Davis
36. ALFRED CARDONA 828 FAIRMONT AVE Alfred Cardona
37. Linda Cardona 828 Fairmont AVE Linda Cardona
38. Michael Delaney 821 Fairmont Ave Michael Delaney
39. Kristi Kilgore 801 Fairmont Ave Kristi Kilgore

	Name (Printed)	Address	Signature
16.	Cynthia J. Clark	936 Fairmont Ave.	Cynthia J. Clark
17.	Sam Weender	1229 Hampton Ave	Sam Weender
18.	JOAN CONANT	1030 Shorelandale Ave	Joan Conant
19.	Indy Wood	1005 Rousseau Lane	Indy Wood
20.	David Hall	856 MIMOSA	David Hall
21.	Elizabeth H. Gregg	836 Mimosa Dr.	Elizabeth H. Gregg
22.	Ala M. Kite	520 Mimosa Dr.	Ala M. Kite
23.	Rendall Hill	1108 Drum Castle	Rendall Hill
24.	Kyle Richardson	909 Mimosa Dr	Kyle Richardson
25.	Rebecca May	724 Carlisle Dr.	Rebecca May
26.	Andy Johnson	724 Carlisle Dr.	Andy Johnson
27.	Nathan Carpenter	911 Marison Ave	Nathan Carpenter
28.	Robin Craig	911 Marison Ave	Robin Craig
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To whom it may concern.

This past Saturday, April the 28th, I was approached by someone who said her name was Karen Munsey. She told me that she was my neighbor and that she lives two houses down from the property where the ministry for kids will be. She had a petition and was asking neighbors to sign it. She said there would be too much noise. I asked how long she had been in the neighborhood and she said one year. I then informed her that we had a community pool in that location for years and never had a problem, and that I didnt think it would be a problem now. She then said "we have never had anything like that before" I asked her what she meant. She said we never had a house like that before and we dont need that noise. I then told her I wouldnt sign. She then said in a hateful tone, well you don't live two houses down from it.

I then spoke to one of my neighbors who did sign the petition, however she signed it under the assumption she was petitioning for more information and not to keep kids from playing outside. This tells me she isn't communicating accurate information to the neighborhood.

It is apparent to me that she isn't petitioning out of concern for the neighborhood but rather for her own personal reasons.

Todd Hopkins

930 Morison Avenue, Kingsport TN 37660

423-579-8884

